

*Unto the Right Honourable, the Lords of  
His Majesties Privie Conncil,*

*The*  
**P E T I T I O N**

*of*  
**Patrick Johnstoun, late Bailie in Edin-  
burgh, Alexander Campbel, A-  
lexander Clerk, and Alexander  
Mackgill, Merchants in Edinburgh,  
David Waike, and Ralph Spurri  
Englishmen.**

*Humbly sheweth,*

**T**hat by your Lordships Proclamation, published the 20 of July instant, all Victual to be Imported is declared to be lyable to Custome and other Duties, as before the Proclamation published upon the sixth of August, 1696. And the Collectors of His Majesties Customs are appointed to Collect and Compt for the same accordingly, wherethrough your Petitioners being heavily prejudged, humbly beg liberty to lay before your Lordships the Reasons following, why the particular quantities of Victual belonging to them, cannot be lyable to pay Custom, viz. 1. In cases of the like nature formerly, when Victual was discharged to be Imported, or Burdened if Imported; your Lordships were always so tender of the prejudice Merchants might suffer, that upon their giving Oath that they had Committed and Loadned the Victual before the Publishing of such Proclamations or Orders, they were always allowed to Import the same free of the burden of the saids Orders: And here our case is much more just and favourable, where we are content to make Faith, or if need beis, to prove by Witnesses, or other Documents beyond exception, that part of the Victual belonging to us the saids Patrick Johnstoun, Alexander Campbel, Alexander Clark, David Waike and Ralph Spurrie, did Arrive at Heymouth before the 12th or 14th of July instant, and a great part of us Arrived since at Leith two days after the Proclamation, and the rest at Holy-Island, detained by contrary Winds since that

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time;



time ; and that the Viſtial belonging to me, the ſaid *Alexander Mackgill* was partly lying upon the Road of *Leith* in a Ship, long ago reported, and a ſuffe-  
rance given for Livering, and whereof above 300 Bolls was Livered according-  
ly, and the reſt of my Viſtial is at *Haymouth* and *Holy Island*, detained in man-  
ner foreſaid : And it were the hardeſt thing imaginable to make us lyable for  
Cuſtom, who have Bought, Loadened, Imported, and partly Livered that  
Viſtial, directly upon the proſpected being free of Cuſtom, and yet upon ſuch  
a ſurprize to cauſe exact it from us ; which in effect is to take as much Mo-  
ney out of our Pocket : And its hoped your Lordſhips will be far from ſuch  
a meaſure of rigour towards us. 2. It was never controverted, but where  
any Veſſels toucht at any Port, Creek, or Harbour within this Kingdom, with  
an intention to Liver ; and much more out of doubt, where they had bro-  
ken bulk, and Livered any part of their *Cargo* ; but theſe Goods were reputed  
already Imported ; ſo that in this caſe, even in the rigor of the Proclama-  
tion, all Viſtial in that condition muſt be free of Duty, as being already Im-  
ported : And it were a very great hardſhip to make your Petitioner ſuffer  
for contrary Winds, and to be lyable for the burden of Cuſtom, upon ac-  
count, and for Cauſes they could no ways prevent.

May it therefore please your Lordships to discharge the Collectors and others employed, in Collecting His Majesties Customs, to Levy and Exact any Custom, or other Duty from us, for the Victual belonging to us, and lying either in the Road of *Leith*, or lying at *Haymouth* and *Holy-Island* before the said Proclamation, and to appoint any of your Lordships Number, or of his Majesties Collectors or Magistrat in the place, to take our Oaths, or receive such other sufficient Evidence, as may clear the quantity of the forsaide Victual, and where it lyes, and when it Arrived there. To the effect we by your Lordships goodness may be saved from so heavy prejudice, as will far exceed what ever benefite we could have made by Importing the forsaide Victual upon the Faith and encouragement given by the Government.

*And your Petitioner shall ever pray.*

current but tied  
July 1897  
By per prot. J. H. H. H.  
and 1/2 lbs. current value  
H. H. H. H. H. H. H. H. H.  
at making 1/2 per cent  
to receive 1/2 per cent  
and 1/2 per cent  
H. H. H. H. H. H. H. H. H.  
at making 1/2 per cent